

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
WILMINGTON TRUST, NATIONAL	:	
ASSOCIATION,	:	
	:	21cv2495 (DLC)
Plaintiff,	:	
	:	<u>ORDER</u>
-v-	:	
	:	
STEAK N SHAKE INC.,	:	
	:	
Defendant.	:	
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DENISE COTE, District Judge:

A bench trial is scheduled to commence on **May 31, 2022**.
The final pretrial conference is scheduled to occur on **May 11, 2022 at 10:00 AM in Courtroom 18B, 500 Pearl Street, New York, NY 10007**. It is hereby

ORDERED that the trial shall proceed in person in Courtroom 18B, 500 Pearl Street, on **May 31 at 9:30 am**.

IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial. The parties shall ensure that all trial participants comply with the Southern District of New York's Tenth Amended Standing Order entitled In re Coronavirus/COVID-19 Pandemic (M-10-468), entered December 22, 2021, and other SDNY COVID-19-related orders that govern entry into and behavior within SDNY courthouses. These materials may be found at: <https://www.nysd.uscourts.gov/covid-19-coronavirus>.

IT IS FURTHER ORDERED that all individuals must practice social distancing at all times in the courthouse. Individuals also must wear an N95, KN95, KN94 face mask that covers the person's nose and mouth at all times in the courthouse unless the Court authorizes their removal. Surgical masks, cloth masks, bandannas, gaiters, and masks with valves are not permitted.

IT IS FURTHER ORDERED that all witnesses must be present in Courtroom 18B, 500 Pearl Street by **9:30 a.m. on May 31.**

IT IS FURTHER ORDERED that parties are responsible for informing themselves of any modifications to SDNY COVID-19-related rules and procedures and adhering to all current rules and procedures for the duration of the trial.

IT IS FURTHER ORDERED that the parties are responsible for bringing these procedures to the attention of their witnesses and any other persons they expect to attend the trial.

IT IS FURTHER ORDERED that the parties shall attempt to have documents to be used at trial, including trial exhibits, in electronic form. Due to the pandemic, counsel should make every effort to avoid the exchange of documents in paper form during the trial. Therefore, exhibits should be pre-marked and assembled sequentially in a digital folder labelled with the exhibit numbers for ready reference and be ready to be

distributed digitally to the Court, counsel, and witnesses during the trial.

IT IS FURTHER ORDERED that, if counsel intends to present digital evidence via the courtroom's audiovisual systems during trial, counsel shall call this Court's Chambers to schedule a time to come to the courthouse in advance of trial to prepare for presentation of digital evidence with the assistance of the courthouse's IT Department.

IT IS FURTHER ORDERED that counsel should make certain that they have custody of all original exhibits. The Court does not retain them, and the Clerk is not responsible for them.

IT IS FURTHER ORDERED that the parties should be aware that, unless otherwise appropriate, the Court will assume that any material portion of a witness's deposition will be used during cross-examination of that witness.

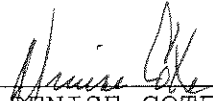
Counsel are advised that this Court's Revised Standing Order M10-468 of February 26, 2014 prohibits all personal electronic devices and general purpose computing devices except by written permission of the presiding judge. Counsel are further advised that such devices may not be connected to the Court's computer network under any circumstances. Accordingly,

IT IS FURTHER ORDERED that by **May 6, 2022**, counsel shall fill out the attached form and send it to this Court's Chambers

email inbox at Cotenysdchambers@nysd.uscourts.gov to request permission to bring any personal electronic devices or general purpose computing devices into the courthouse.

SO ORDERED:

Dated: New York, New York
March 3, 2022



DENISE COTE
United States District Judge